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09/876,788	06/06/2001	Ronald A. Linyard	ADE014001	9002
53830	7590	08/11/2006	EXAMINER	
KOKKA & HSU, PC 1001 N. RENGSTORFF AVE. SUITE 250 MOUNTAIN VIEW, CA 94043-1748			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/876,788

Applicant(s)

LINYARD ET AL.

Examiner

Philip C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-20 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-20 and 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. This action is responsive to the amendment and remarks filed on May 15 2006.
2. Claims 1-3, 5-20 and 30-32 are presented for examination and claims 4 and 21-29 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.
4. Claims 5 and 6 are objection to because they are dependent on canceled claim 4.

*Claim Rejections – 35 USC 102*

5. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Warthen, U.S. Patent 6,584,464 (hereinafter Warthen).
6. Warthen was cited in the last office action.
7. As per claim 13, Warthen taught the invention as claimed comprising:  
a suggestion module adapted to provide a list of questions (fig. 3; col. 4, lines 7-8) and answers (fig. 4; col. 4, lines 19-22) to a user of a computer executed application in response to a request for assistance (col. 3, lines 46-49) with computer executed application (col. 2, lines 48-

50), wherein the list of questions and answers is customized based at least in part upon a category that is associated with the user request (col. 3, lines 41-51; col. 6, lines 1-8); and a statistics module adapted to provide the list of questions, wherein the list of questions includes a selected number of frequently asked questions (col. 5, lines 15-25).

*Claim Rejections – 35 USC 103*

8. Claims 1, 2, 5, 6, 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss, U.S. Patent 6,539,377 (hereinafter Culliss) in view of Suzuki et al, U.S. Patent 5,890,139 (Suzuki).

9. Culliss was cited in the last office action.

10. As per claim 1, Culliss taught the invention substantially as claimed comprising:  
receiving a question from a user of a computer executed application (col. 3, lines 45-56);  
identifying an operational context of the computer executed application (i.e., the viewing habits of a user of the browser), wherein the operational context is associated with the received question (col. 3, lines 45-56);  
identifying a category that is associated with the identified context (col. 3, lines 45-56; col. 4, lines 30-59); and  
searching for at least one answer to the question, wherein the searching is based at least in part upon the identified category and the received question (col. 5, lines 45-65); and

determining whether a selected one of the at least one answer is associated with the identified context and the received question (col. 4, line 66-col. 5, line 2).

11. Although Culliss taught identifying the question as associated with the identified context and the received question (col. 5, lines 40-52) , however, Culliss did not teach identifying the question as an unanswered question when no answer is associated. Suzuki taught identifying the question as an unanswered question when no answer is associated (col. 4, line 66-col. 5, line 13).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Suzuki because Suzuki's teaching of identifying question as an unanswered question would increase the efficiency of Culliss's system by providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

13. As per claim 2, Culliss and Suzuki taught the invention substantially as claimed in claim 1 above. Culliss further taught that identifying an operational context comprises one of the following:

- determining which of a plurality of web pages have been visited by the user;
- identifying the time that the user accessed the plurality of web pages;
- determining a format in which the user transmitted the question; or
- determining the hardware environment of the user (col. 3, lines 57-65).

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14. As per claim 5, Culliss and Suzuki taught the invention substantially as claimed in claim 4 above. Culliss further taught that determining whether any answer is associated with the identified context and the received question comprises determining whether a confidence threshold is exceeded (col. 5, lines 5-7).

15. As per claim 6, Culliss and Suzuki taught the invention substantially as claimed in claim 4 above. Suzuki taught additionally comprising associating an answer with the unanswered question (col. 9, lines 4-25).

16. As per claim 9, Culliss and Suzuki taught the invention substantially as claimed in claims 5 above. Suzuki further taught additionally comprising generating an e-mail containing the answer to the question (col. 6, lines 20-25).

17. As per claim 10, Culliss and Suzuki taught the invention substantially as claimed in claims 1 above. Culliss further taught additionally comprising searching for the answer using at least in part the identified category (col. 6, lines 30-40).

18. As per claim 12, Culliss taught the invention substantially as claimed comprising:  
a question module adapted to receive at least one question from a user of a computer executed application (col. 3, lines 45-56);

a context module adapted to identify at least one category that is associated with the context of the computer executed application in which the question was received (col. 3, lines 45-56; col. 4, lines 30-59); and

a knowledge module adapted to identify an answer to received question, wherein the answer is derived using at least in part the identified category (col. 4, line 66-col. 5, line 2; col. 5, lines 45-65).

19. Culliss did not teach an authoring module adapted to identify unanswered questions and adapted to associate an answer with the unanswered questions. Suzuki taught an authoring module adapted to identify unanswered questions (col. 4, line 66-col. 5, line 13) and adapted to associate an answer with the unanswered questions (col. 9, lines 4-25).

20. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Suzuki because Suzuki's teaching of identifying question as an unanswered question would increase the efficiency of Culliss's system by providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

21. Claims 14, 15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warthen in view of Suzuki.

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22. As per claim 14, Warthen taught the invention as claimed in claim 13 above. Warthen did not teach associating answers with the unanswered questions. Suzuki taught that the statistics module identifies unanswered questions (col. 4, line 66-col. 5, line 13) and additionally comprising an authoring module adapted to associate answers with the unanswered questions (col. 9, lines 4-25).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen and Suzuki because Suzuki's teaching of identifying question as an unanswered question would increase the efficiency of Warthen's system by providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

24. As per claim 15, Warthen and Suzuki taught the invention substantially as claimed in claim 14 above. Suzuki further taught that the authoring module associates answers with the unanswered questions automatically (col. 9, lines 4-25).

25. As per claim 32, Warthen taught the invention as claimed comprising:  
receiving a plurality of questions (fig. 3; col. 3, lines 12-17);  
determining whether each of the questions has an associated answer located in a knowledge database (col. 3, lines 41-56; col. 6, lines 5-8);

26. Warthen did not teach storing unanswered questions. Suzuki taught



storing the questions which have no associated answer located in the knowledge database (col.4, line 66-col. 5, line 13); and

receiving at least one new answer from an administrative user for each of the questions stored in the knowledge database, which have no associated answer (col. 5, lines 64-col. 6, lines 10).

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Warthen and Suzuki because Suzuki's teaching of storing question as an unanswered question would increase the efficiency of Warthen's system by providing the unanswered questions and answer for unanswered questions to automatically accumulated in the database (col. 3, lines 6-9).

28. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Warthen.

29. Warthen was cited in the previous office action.

30. As per claim 30, Culliss taught the invention as claimed comprising:

identifying a context of a computer executed application that is associated with a user in response to a request for assistance with the computer executed application (col. 3, lines 45-65);  
and

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determining which of a plurality of categories is associated with the identified context of the computer executed application (col. 3, lines 45-56; col. 4, lines 30-59).

31. Culliss did not teach identifying and displaying a plurality of most frequently asked questions. Warthen taught a similar invention comprising:

identifying a plurality of most frequently asked questions that are associated with the determined category (col. 3, lines 41-51; col. 6, lines 1-8); and  
displaying the most frequently asked questions to the user (col. 5, lines 15-25).

32. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Warthen because Warthen's teaching of providing a list of questions would increase the accuracy of Culliss's system by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

33. As per claim 31, Culliss taught the invention as claimed comprising:

determining a category that is associated with a user question, wherein the determined category is based at least in part upon which web page of a plurality of web pages the user has most recently accessed (col. 3, lines 13-56; col. 5, lines 21-25), the user question being associated with a request for assistance with a computer executed application (col. 3, lines 45-65);

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34. Culliss did not teach identifying and displaying a plurality of most frequently asked questions. Warthen taught a similar invention comprising:

identifying a plurality of most frequently asked questions that are associated with the determined category (col. 3, lines 41-51; col. 6, lines 1-8); and  
displaying the most frequently asked questions to the user (col. 5, lines 15-25).

35. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Warthen because Warthen's teaching of providing a list of questions would increase the accuracy of Culliss's system by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

36. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss and Suzuki in view of Manduley et al, U.S. Patent 6,768,790 (hereinafter Manduley).

37. Manduley was cited in the last office action.

38. As per claim 3, Culliss and Suzuki taught the invention substantially as claimed in claims 2 above. Culliss and Suzuki did not teach the determined format as an e-mail message.

Manduley taught that the determined format is one of the following:

input from a field in a web page, an e-mail message or an electronic chat question (col. 4, lines 7-41).

39. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki and Manduley because Manduley's teaching of determining the format would increase the efficiency of Culliss's and Suzuki's systems by allowing received messages to be sorted according to the message format.

40. Claims 7, 8, 11, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss and Suzuki in view of Warthen.

41. As per claim 7, Culliss and Suzuki taught the invention substantially as claimed in claims 6 above. Culliss and Suzuki did teach generating a web page containing the answer. Warthen taught that associating an answer comprises generating a web page containing the answer to the question (col. 4, lines 19-25).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki and Warthen because Warthen's teaching of generating a web page containing answer would increase the field of use in their system by allowing the answer to be presented on a software browser.

43. As per claim 8, Culliss, Suzuki and Warthen taught the invention substantially as claimed in claim 7 above. Culliss further taught additionally comprising providing the associated answer in response to receiving a question from a second user, wherein the associated answer is

immediately available to the second user subsequent to the answer being associated with the question (col. 5, lines 22-52).

44. As per claim 11, Culliss and Suzuki taught the invention substantially as claimed in claim 10 above. Culliss and Suzuki did not teach user definable description. Warthen taught that the identified category is a user definable description (col. 4, lines 55-56).

45. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki and Warthen because Warthen's teaching of user definable description would increase the flexibility of the user in Culliss's and Suzuki's systems by allowing a user to define criteria for matching the context of the question to an answer.

46. As per claim 16, Culliss and Suzuki taught the invention substantially as claimed in claim 12 above. Culliss and Suzuki did not teach providing a list of questions. Warthen taught a similar system adapted to provide a list of questions (col. 5, lines 15-25).

47. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki and Warthen because Warthen's teaching of providing a list of questions would increase the accuracy of Culliss's and Suzuki's systems by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

48. As per claim 19, Culliss taught the invention as claimed for providing user assistance, comprising:

a question module adapted to receive at least one question from a user of a computer executed application (col. 3, lines 45-56);

a context module adapted to identify at least one category that is associated with the context of the computer executed application in which the question was received (col. 3, lines 45-56; col. 4, lines 30-59); and

a knowledge module adapted to identify an answer to a received question, wherein the answer is derived using at least in part the identified category (col. 5, lines 45-52).

49. Culliss did not teach associating an answer with the unanswered questions. Suzuki taught a similar invention comprising:

an authoring module adapted to identify unanswered questions (col. 4, line 66-col. 5, line 13) and adapted to associate an answer with the unanswered questions (col. 9, lines 4-25).

50. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss and Suzuki because Suzuki's teaching of identifying question as an unanswered question would increase the efficiency of Culliss's system by providing the answer for unanswered question to automatically accumulated in the database (col. 3, lines 6-9).

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51. Culliss and Suzuki did not teach providing a list of questions and answers associated with the identified category. Warthen taught a similar invention comprising:

a statistics module adapted to provide a list of questions and answers that are associated with the identified category (col. 3, lines 41-51; col. 6, lines 1-8); and  
a suggestion module adapted to provide the list of questions and answers to the user in response to a request for assistance (col. 3, lines 41-51; col. 6, lines 1-8).

52. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki and Warthen because Warthen's teaching of providing a list of questions would increase the accuracy of Culliss's and Suzuki's systems by accounting for the user selection of the provided list of questions to further narrow the search to provide relevant results to the user.

53. As per claim 20, Culliss, Suzuki and Warthen taught the invention substantially as claimed in claim 19 above. Suzuki further taught that the authoring module associates answers with the unanswered questions automatically. (col. 9, lines 4-25).

54. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss, Suzuki and Warthen in view of Warner, U.S. Patent 6,665,655 (hereinafter Warner).

55. Warner was cited in the last office action.

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56. As per claims 17-18, Culliss, Suzuki and Warthen taught the invention substantially as claimed in claim 16 above. Culliss, Suzuki and Warthen did not teach arranging the questions in an order. Warner taught that the statistics module arranges the questions in a most frequently asked order or a least frequently asked order (col. 7, lines 15-col. 8, lines 40; col. 9, lines 37-40).

57. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Culliss, Suzuki, Warthen and Warner because Warner's teaching of arranging the questions in order would increase the user flexibility of Culliss's, Suzuki's and Warthen's systems by allowing the results to be presented according to the user's interest.

58. Applicant's arguments with respect to claims 1-3, 5-12, 14-20 and 30-32, filed 5/15/06 have been considered but are moot in view of the new ground(s) of rejection.

59. Applicant's arguments with respect to claim 13, filed 5/15/06 have been fully considered but it is not persuasive.

60. In the remark applicant argued that

- (1) portion of Warthen relied upon by the Examiner does not teach a request for assistance with the computer executed application.



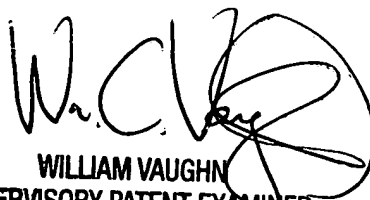
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61. In response to point (1), Warthen taught a user asks question (requesting for assistance) with a web browser (with a computer executed application) (col. 2, lines 48-50).

### CONCLUSION

62. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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